

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARTIN J. WALSH,  
SECRETARY OF LABOR,  
U.S. DEPARTMENT OF LABOR,

Plaintiff,

v.

PACKERS SANITATION SERVICES,  
INC., LTD.

Defendant.

CIVIL ACTION FILE NO.  
4:22-cv-3246

DECLARATION OF EDITH CARDENAS-MICHMERHUIZEN

I, Edith Cardenas-Michmerhuizen, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division's Chicago District Office. I am an investigator assigned to investigate the Defendant's compliance with the child labor provisions of the Fair Labor Standards Act ("FLSA").

2. I have been an investigator with the Wage and Hour for over (six) 6 years. I have conducted 200 investigations as the lead investigator.

3. The statements made herein are based on my training and experience, my personal knowledge, observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of the Defendant in this matter.

**The Defendant**

4. Packers Sanitation Services, Inc., Ltd., which may also operate as or do

business as Packers Sanitation Services, LLC, (“PSSI”) is a cleaning and sanitation company that provides contract work at meat processing facilities. This PSSI location at 515 W. 3<sup>rd</sup> Street, Grand Island, Nebraska 68801, is a workplace where PSSI currently recruits and signs up employees to work for PSSI at a meat processing facility located at 555 South Stuhr Road in Grand Island. The meat processing facility is owned and/or operated by JBS USA or one of its affiliates (“JBS”).

### **The Investigative Findings**

5. On August 24, 2022, the Wage and Hour Division initiated an investigation of PSSI to determine whether its practices complied with FLSA, including its child labor provisions.

6. Prior to opening its investigation, Wage and Hour received a referral about possible child labor violations by PSSI in Grand Island, Nebraska from another law enforcement agency.

7. On October 12, 2022, from 10:00 p.m. and until October 13, 2022, at 12:00 a.m., wage and Hour Investigator (“WHI”) Thomas Phelan and I conducted surveillance at the JBS Plant located at 555 S. Stuhr Road. I observed workers as they were leaving and arriving to the plant. WHI Phelan and I kept a tally of the number of workers who were entering the plant and noted that some of them appeared to be signing-in at the plant’s guard station, while others did not.

8. Wage and Hour obtained warrants from U.S. Magistrate Judge Michael D. Nelson, in the District of Nebraska, authorizing Wage and Hour to inspect and enter PSSI’s storefront facility at 515 W. 3<sup>rd</sup> Street, and the JBS beef production facility at 555 South Stuhr Rd., “to make an inspection and investigation into violations of the Fair Labor

Standards Act, including child labor violations[]” including, but not limited to, “time records of PSSI workers and/or employees, identification documents and records reflecting the age of workers and employees of PSSI, tax records, PSSI corporate records, surveillance videos, and other records or documents as the investigators may deem necessary or appropriate.” The warrant also allowed for “questioning privately any employee or agent, and the taking of photographs and videos.”

### **Observations at the Facility**

9. On October 13, 2022, I arrived at the JBS Plant located at 555 S. Stuhr Road at 2:00 a.m., along with WHIs Phelan, Fatmir Kote, Cristina Lopez, and Xiomara Martinez; Deputy Director of Enforcement Nancy Alcantara; and Enforcement Coordinator Shannon Rebolledo.

10. After entering the plant, an employee from JBS, Jaime Jasso, indicated that he would look for an employee of PSSI that could give us a tour of the establishment.

11. Marina Martinez, s supervisor from PSSI, indicated that she supervised the workers at the killing floor. She indicated that Pedro Montanez supervised the packing area.

12. Mr. Jasso gave me a hard hat and earplugs to wear for the tour. He also indicated that we could recognize PSSI workers because they wear green plastic aprons, and because their hard hats do not have their names on them. Mr. Jasso said that all JBS workers wore hard hats with their names clearly labeled.

13. Mr. Jasso introduced me to Pedro Montanez and indicated that Mr. Montanez was the PSSI supervisor for the workers at the packing side. Mr. Montanez guided me and WHI Lopez on a tour of the packing area.

14. WHI Lopez and I followed Mr. Montanez through the cafeteria and into the packing area. We entered the first area by walking onto a metal platform that runs in the middle of the room. Below the platform were the workers cleaning the area. I held on to the railings tightly because the floor was very slippery with water, soap, and animal fat.

15. The packing area was divided in two with the platform running in the middle. On one side of the room there were conveyor belts running on and off, and workers power washing them. On the other side, there were other machines that were running continuously. The area was extremely loud from the noise of the machines running.

16. Mr. Montanez said that there were at least twenty workers in that area, but from the top of the platform I could not see all the workers. There was a lot of steam in the air and that also blocked my view.

17. Mr. Montanez, WHI Lopez, and I went down to the floor level where the workers were cleaning. I was able to observe the workers from that level; some were cleaning with the power washer, others were scrubbing under the machines. There was a lot of standing water on the floor, a mix of soap and meat parts floating in it. The floor was very slippery from animal fat.

18. The machines and conveyor belts were running. I took pictures and videos of them. The conveyor belts transport meat and the machine seals the meat bags. These machines were on while the employees were cleaning them, hosing them down with water and soap.

19. WHI Lopez and I followed Mr. Montanez to the “new fabrication” area; this area had also conveyor belts and tables that are used to cut meat. I took a picture of a chuck combo dumper in that area. I also took pictures of the conveyor belts and workers hosing down and scrubbing the area.

20. We then walked to the meat master room where there were again conveyor belts, and finally into the ground beef room. In that room, there are meat grinding machines and conveyor belts. Some of the conveyor belts are elevated and not at the ground level, and there were workers cleaning them.

21. All throughout the tour of the fabrication areas that I visited, the floors were wet with soapy water, and the floors and railings were slippery from animal fat.

22. I told Mr. Montanez we wanted to interview employees. Mr. Montanez led us to an office in the fabrication area, where I conducted my first interview.

23. At around 3:30 a.m., Mr. Jasso from JBS came into the office and interrupted my interview to tell me that I had to get off the floor and that I did not have permission to take any pictures or video of the plant.

24. I ended my interview once Mr. Jasso left. I left the office and the fabrication area, and I went to the cafeteria to continue interviewing workers.

#### **Interviews with Minor Children**

25. At the JBS facility, I and other Wage and Hour employees interviewed thirteen minor children working at the JBS facility during the 11:00 p.m. to 7:00 a.m. shift.

26. The interviews were conducted in the cafeteria area. The interviewees had an ID with them with their picture. This is the same ID they use to clock in and out at the beginning and end of their shift. The time clock is in the cafeteria. This is an open area, and as time went by and we got closer to 7:00 a.m., the area became busier with employees coming to clock-out for the end of their shift. I sat with each interviewee at one of the cafeteria booths. Each interview I took lasted approximately ten to fifteen minutes.

27. I speak and write Spanish fluently. As the minor children I interviewed were not fluent English speakers, I conducted my interviews with the minor children in Spanish.

28. In general, the minor children performed work such as cleaning the packing area (including conveyor belts) with a hose, water, and what they described as “chemicals to melt the animal fat.” Minor children also performed work in the killing floor, cleaning “la mesa” or the table; they indicated that they used the hose, water, chlorine, and “chemicals” to clean.

29. I interviewed Minor Child K and Minor Child O.

***Minor Child K***

30. On October 13, 2022, I interviewed Minor Child K. Minor Child K, stated:

- a. They work in the fabrication area cleaning the conveyor belts.
- b. Some conveyor belts are high up and others at the floor level.
- c. They use a hose, water, and chemicals to clean the area.
- d. They work five days per week and occasionally on Saturday.
- e. Their hours of work are 11:00 p.m. to 7:00 a.m.
- f. They attended Grand Island High School.

***Minor Child O***

31. On October 13, 2022, I interviewed Minor Child O. Minor Child O, stated:

- a. They worked in the fabrication area.
- b. They clean the conveyor belts using the hose and chemicals.
- c. They work five days per week from 11:05 p.m. to 6:45 a.m.

**Return to the JBS Site**

32. On October 14, 2022, I returned to the JBS facility at 555 S. Stuhr Road. I returned along with Deputy Director of Enforcement Nancy Alcantara and Enforcement Coordinator Shannon Rebolledo to return some records.

33. When we arrived, the security guard indicated that most of the PSSI workers had not returned to work. They showed us the sign in sheet, and it was sparse. The security person said that some PSSI workers had come in, signed the sheet, and immediately left without entering the plant.

34. We returned the documents to Marina Martinez from PSSI. Ms. Martinez was wearing the PPE cleaning gear that we observed minors wearing the day prior: hard hat and a green plastic apron. Ms. Martinez had not been wearing this equipment the day prior.

35. We spoke with Pedro Martinez from PSSI, and he was also wearing the PPE cleaning gear of hard hat and plastic apron, and he indicated that he had been cleaning.

Executed on this 2nd day of November, 2022.

EDITH CARDENAS-  
MICHMERHUIZEN

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Edith Cardenas-Michmerhuizen, Investigator  
U.S. Department of Labor  
Wage and Hour Division  
Chicago District Office